

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

CYTOLOGIX CORPORATION,

Plaintiff,

v.

VENTANA MEDICAL SYSTEMS, INC.,

Defendant.

Civil Action No. 04-11783 (RWZ)

**ASSENTED-TO MOTION OF DEFENDANT VENTANA MEDICAL SYSTEMS, INC.
FOR LEAVE TO FILE A REPLY MEMORANDUM IN SUPPORT OF ITS
CONDITIONAL MOTION TO SUPPLEMENT ITS ANSWER**

Pursuant to Local Rule 7.1(B)(3), defendant Ventana Medical Systems, Inc. hereby requests leave of this Court to file a reply memorandum in support of its Conditional Motion to Supplement Its Answer to the First Amended Complaint. As grounds for this motion, Ventana submits that its reply memorandum addresses new arguments raised for the first time in the opposition, and will assist the Court in determining the matters raised by the underlying motion and opposition. The parties have mutually consented to reply briefs on all motions, provided the Court so allows. *See* Joint Statement Pursuant to FRCP 26(f) and Local Rule 16.1(d), § II.B (Nov. 28, 2005) (Docket No. 40). Therefore, the motion for leave should be granted.

For the Court's convenience, a copy of Ventana's reply memorandum is attached hereto as Exhibit A.

Dated: May 18, 2007

VENTANA MEDICAL SYSTEMS, INC.

By its attorneys,



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LOCAL RULE 7.1(A)(2) CERTIFICATION

Counsel hereby certifies, in accordance with Local Rule 7.1(A)(2), that prior to filing this paper the parties have conferred and attempted in good faith to resolve or narrow the issues presented herein. Plaintiff has assented to this motion for leave to file a reply memorandum.


Roger J. Chin

CERTIFICATE OF SERVICE

I hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non registered participants on May 18, 2007.

A handwritten signature in blue ink, appearing to read 'R. Chin', is written over a horizontal line.

Roger J. Chin